

# **Statement of Basis**

**Tier I Operating Permit No. T1-2018.0007**

**Project ID 61994**

**Fort Hall Mine Road Landfill**

**Pocatello, Idaho**

**Facility ID 005-00062**

**Final**

**June 19, 2019**

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The purpose of this Statement of Basis is to set forth the legal and factual basis for the Tier I operating permit terms and conditions, including references to the applicable statutory or regulatory provisions for the terms and conditions, as required by IDAPA 58.01.01.362

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**APPENDIX A - FACILITY COMMENTS ON DRAFT PERMIT**

## 1. ACRONYMS, UNITS, AND CHEMICAL NOMENCLATURE

acfm	actual cubic feet per minute
ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
BMP	best management practices
Btu	British thermal unit
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEMS	continuous emission monitoring systems
cfm	cubic feet per minute
CFR	Code of Federal Regulations
CI	compression ignition
CMS	continuous monitoring systems
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	CO <sub>2</sub> equivalent emissions
COMS	continuous opacity monitoring systems
DEQ	Idaho Department of Environmental Quality
dscf	dry standard cubic feet
EI	emissions inventory
EPA	United States Environmental Protection Agency
FHMRL	Fort Hall Mine Road Landfill
GHG	greenhouse gases
gph	gallons per hour
gpm	gallons per minute
gr	grains (1 lb = 7,000 grains)
HAP	hazardous air pollutants
HHV	higher heating value
hp	horsepower
hr/yr	hours per consecutive 12-calendar-month period
ICE	internal combustion engines
IDAPA	a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act
iwg	inches of water gauge
lb/hr	pounds per hour
LFG	landfill gas
MACT	Maximum Achievable Control Technology
mg/dscm	milligrams per dry standard cubic meter
Mg	megagrams, 1x10 <sup>6</sup> gram
Mg/yr	megagrams per year
MMBtu	million British thermal units
MMscf	million standard cubic feet
MRRR	Monitoring, Recordkeeping and Reporting Requirements
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMOC	nonmethane organic compound
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standards
O&M	operation and maintenance
O <sub>2</sub>	oxygen
PC	permit condition

PM	particulate matter
PM <sub>2.5</sub>	particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
ppm	parts per million
ppmw	parts per million by weight
PSD	Prevention of Significant Deterioration
psig	pounds per square inch gauge
PTC	permit to construct
PTE	potential to emit
PW	process weight rate
RICE	reciprocating internal combustion engines
Rules	Rules for the Control of Air Pollution in Idaho
scf	standard cubic feet
SIP	State Implementation Plan
SO <sub>2</sub>	sulfur dioxide
SO <sub>x</sub>	sulfur oxides
TAP	toxic air pollutant
T/day	tons per calendar day
T/hr	tons per hour
T/yr	tons per consecutive 12 calendar-month period
T1	Tier I operating permit
T2	Tier II operating permit
ULSD	ultra low sulfur diesel
U.S.C.	United States Code
VOC	volatile organic compound

## **2. INTRODUCTION AND APPLICABILITY**

Bannock County operates the Fort Hall Mine Road Landfill (FHMRL), a municipal solid waste landfill located at 1500 N. Fort Hall Mine Road. Pocatello. Because this facility is a landfill subject to the requirements of 40 CFR 60 Subpart WWW, this facility is required to obtain a Title V permit, as specified in IDAPA 58.01.01.859.04.

The facility is not currently classified as a major facility, as defined by IDAPA 58.01.01.008.10.c, because it does not emit or have the potential to emit any criteria pollutants above the major source threshold of 100 tons-per-year. However, upon the installation of IC Engine #2, the facility will be classified as a major facility, as defined by Subsection 008.10.a, because it emits or has the potential to emit formaldehyde above the major source thresholds of 10 tons-per-year, refer to underlying PTC No. P-2009.0146 project 61941 for details. (2018AAG1035[v4])

IDAPA 58.01.01.362 requires that as part of its review of the Tier I application, DEQ shall prepare a technical memorandum (i.e. statement of basis) that sets forth the legal and factual basis for the draft Tier I operating permit terms and conditions including reference to the applicable statutory provisions or the draft denial. This document provides the basis for the draft Tier I operating permit for the Fort Hall Mine Road Landfill.

The format of this Statement of Basis follows that of the permit. Fort Hall Mine Road Landfill's Tier I operating permit is organized into sections. They are as follows:

### **Section 1 – Acronyms, Units, and Chemical Nomenclature**

The acronyms, units, and chemical nomenclature used in the permit are defined in this section.

### **Section 2 - Tier I Operating Permit Scope**

The scope describes this permitting action.

### **Section 3 - Facility-wide Conditions**

The Facility-wide Conditions section contains the applicable requirements (permit conditions) that apply facility-wide. Where required, monitoring, recordkeeping and reporting requirements (MRRR) sufficient to assure compliance with a permit condition follows the permit condition.

### **Sections 4 through 7 – Landfill Applicable requirements, Flare, and IC Engines**

The emissions unit-specific sections of the permit contain the applicable requirements that specifically apply to each regulated emissions unit. Some requirements that apply to an emissions unit (e.g. opacity limits) may be contained in the Facility-wide Conditions Section. As with the facility-wide conditions, monitoring, recordkeeping and reporting requirements (MRRR) sufficient to assure compliance with an applicable requirement follows the applicable requirement.

### **Section 8 – Permit Shield**

This section lists those requirements that the applicant has requested as non-applicable, and DEQ proposes to grant a permit shield in accordance with IDAPA 58.01.01.325.

### **Section 9 - Insignificant Activities**

This section contains a list of units or activities that are insignificant on the basis of size or production rate. Units and activities listed in this section must be listed in the permit application. The regulatory citation for units and activities that are insignificant on the basis of size or production rate is IDAPA 58.01.01.317.01.b.

## Section 10 - General Provisions

The final section of the permit contains standard terms and conditions that apply to all major facilities subject to IDAPA 58.01.01.300. This section is the same for all Tier I facilities. The General Provisions have been reviewed by EPA and contain all terms and conditions required by IDAPA 58.01.01 et al as well as requirements from other air quality laws, rules and regulations. Each general provision has been paraphrased so it is more easily understood by the general public; however, there is no intent to alter the effect of the requirement. Should there be a discrepancy between a paraphrased general provision in this statement of basis and a rule or permit, the rule or permit shall govern.

### 3. FACILITY INFORMATION

#### 3.1 Facility Description

Bannock County operates the Fort Hall Mine Road Landfill, a municipal solid waste landfill. The landfill currently consists of two active cells, Cell 2 "Site A" and Cell 4. The original cell (Closed Cell 1, with a calculated capacity of 1,505,097 Mg, 1943 – 1993), was succeeded by Cell 2 "Site A" (with a calculated capacity of 1,160,000 Mg, 1994 – 2022 or later (estimated).) A third cell, Cell 4, began operations in 2016, and has increased the total landfill design capacity to 7,310,000 Mg. The gas generated by the landfill is collected in a landfill gas (LFG) collection system and routed to two IC engines and a flare. Under primary operation, all landfill gas is combusted by the IC engines with the flare serving as a backup combustion source when IC engines are offline. The flare is capable of combusting all generated landfill gas on its own.

In 2010, Bannock County proposed to install a landfill gas (LFG) collection system at its Fort Hall Mine Road Landfill. Collected LFG was to be piped to an open flare and to a lean-burn Caterpillar model 3520C IC engine powering an electrical generator that is connected to the commercial power grid. The project to install the flare was completed in 2012. The project to install the IC engine was completed in 2014. In 2017 the facility proposed to install a second lean-burn Caterpillar model.

#### 3.2 Facility Permitting History

##### Tier I Operating Permit History - Previous 5-year permit term July 18, 2013 to June 19, 2019

The following information is the permitting history of this Tier I facility during the previous five-year permit term which was from July 18, 2013 to June 19, 2019. This information was derived from a review of the permit files available to DEQ. Permit status is noted as active and in effect (A) or superseded (S).

August 22, 2016	T1-2010.0155, T1 administrative amendment to incorporate P-2009.0146 Project 61559, issued January 1, 2016. Project 61559 was processed in accordance with section 209.05.c, Permit Status (A but will become S upon issuance of this permit)
January 27, 2014	T1-2010.0155, T1 administrative amendment to correct a typo, Permit status (S)
January 17, 2014	T1-2010.0155, T1 administrative amendment to correct a typo, Permit status (S)
July 18, 2013	T1-2010.0155, Initial T1 Operating Permit, Permit status (S)

##### Underlying Permit History - Includes every underlying permit issued to this facility

The following information is the comprehensive permitting history of all underlying applicable permits issued to this Tier I facility. This information was derived from a review of the permit files available to DEQ. Permit status is noted as active and in effect (A) or superseded (S).

October 22, 2018	P-2009.0146 project 61941, PTC modification for installing the second Caterpillar model 3520C IC engine, Permit status (A)
January 7, 2016	P-2009.0146 project 61559, PTC modification to permit the as installed Caterpillar model 3520C IC engine in lieu of the previously permitted Caterpillar model 3516 IC engine, Permit status (S)

April 6, 2010

P-2009.0146, the initial PTC for installing a landfill gas collection system with a flare and a landfill gas combustion engine (a Caterpillar model 3516 IC engine), Permit status (S)

## 4. APPLICATION SCOPE AND APPLICATION CHRONOLOGY

### 4.1 Application Scope

This permit is for the renewal of the facility's existing Tier I operating permit No. T1-2010.0155 project 61655 issued August 22, 2016. Additionally, this permit renewal incorporates the requirements of P-2009.0146, project 61941, issued on October 22, 2018, which was issued in accordance with the requirements of IDAPA 58.01.01.209.05.c.

### 4.2 Application Chronology

January 17, 2018	DEQ received an application to renew the existing Tier I operating permit.
March 7, 2018	DEQ determined that the application was complete.
March 11, 2019	DEQ made available the draft permit and statement of basis for peer and regional office review.
March 20, 2019	DEQ made available the draft permit and statement of basis for applicant review.
April 16– May 16, 2019	DEQ provided a public comment period on the proposed action.
May 21, 2019	DEQ provided the proposed permit and statement of basis for EPA review.
June 19, 2019	DEQ issued the final permit and statement of basis.

## 5. EMISSIONS UNITS, PROCESS DESCRIPTION(S), AND EMISSIONS INVENTORY

This section lists the emissions units, describes the production or manufacturing processes, and provides the emissions inventory for this facility. The information presented was provided by the applicant in its permit application. Also listed in this section are the insignificant activities based on size or production rate.

### 5.1 Process No. 1 – Landfill Operations with NMOC Emission Rate Less Than 50 Mg/yr.

Table 5.1 lists the emissions units and control devices associated with the landfill operations with nonmethane organic compound (NMOC) emission rate less than 50 Mg/yr.

Table 5.1 EMISSIONS UNITS, CONTROL DEVICE, AND DISCHARGE POINT INFORMATION

Emissions Unit ID No.	Emissions Unit Description	Control Device (if applicable)	Emission Point ID No.
	<u>Landfill:</u> Closed Cell 1, Cell 2 "Site A", and Cell 4	No control equipment required until NMOC emissions $\geq$ 50 Mg/yr	N/A

The landfill currently consists of two active cells. The original cell (Closed Cell 1, with a calculated capacity of 1,505,097 Mg, 1943 – 1993), was succeeded by Cell 2 "Site A", one of the two active cells, (with a calculated capacity of 1,160,000 mg, 1994 – 2022 or later, estimated). A third cell of the total three cells, the second active cell, Cell 4, began operations in 2016 and has increased the total landfill design capacity to 8,061,025 tons (7,310,000 Mg). The gas generated by the landfill is collected in a landfill gas (LFG) collection system and routed to an IC engines and a flare. However this system is installed at the facility's discretion and is not currently required by state or federal regulations.

## 5.2 Process No. 2 - Landfill Operations with NMOC Emission Rate Greater Than 50 Mg/yr.

Table 5.2 lists the emissions units and control devices associated with the landfill operation with NMOC emission rate is greater than or equal to 50 Mg/yr.

**Table 5.2 EMISSIONS UNITS, CONTROL DEVICE, AND DISCHARGE POINT INFORMATION**

Emissions Unit ID No.	Emissions Unit Description	Control Device (if applicable)	Emission Point ID No.
	<u>Landfill:</u> Closed Cell 1, Cell 2 "Site A", and Cell 4	Landfill Gas (LFG) Collection System w/ the gas routed to an IC Engine(s) and/or a Flare	N/A (all LFG is routed to the IC engine(s) and flare)

Under this process scenario, the facility would be required by 40 CFR 60 Subpart WWW to install and operate a Landfill Gas Collection System and route collected gas to an appropriate control device (i.e., flare or IC engines). However, this scenario will not be considered applicable until the facility's NMOC emission rate is greater than 50 Mg/yr. Fort Hall Mine Road Landfill's most recent Annual NMOC calculation report (FY 2017) estimates the facility's NMOC generation rate to be 3.15 Mg/yr.

## 5.3 Process No. 3 – Flare

Table 5.3 lists the emissions units and control devices associated with the flare.

**Table 5.3 EMISSIONS UNITS, CONTROL DEVICE, AND DISCHARGE POINT INFORMATION**

Emissions Unit ID No.	Emissions Unit Description	Control Device (if applicable)	Emission Point ID No.
Flare	<u>Flare:</u> Maximum Rating: 15.92 MMBtu/hr Fuel: landfill gas	N/A	Flare, F1

Collected LFG is piped to the lean-burn IC engine(s) powering an electrical generator that is connected to the commercial power grid. When the IC engines are down for maintenance or when there is excess LFG, the gas is routed to the flare.

## 5.4 Process No. 4 – IC Engine #1 and IC Engine #2

Table 5.4 lists the emissions units and control devices associated with the IC engines.

**Table 5.4 EMISSIONS UNITS, CONTROL DEVICE, AND DISCHARGE POINT INFORMATION**

Emissions Unit ID No.	Emissions Unit Description	Control Device (if applicable)	Emission Point ID No.
IC Engine #1	<u>IC Engine #1:</u> Manufacturer: Caterpillar Model: 3520C Manufacture Date: 2013 Maximum Power Rating: 2,242 bhp Fuel: Landfill gas	N/A	IC Engine #1 exhaust, E1
IC Engine #2	<u>IC Engine #2:</u> Manufacturer: Caterpillar Model: 3520C Manufacture Date: 08/2018 Maximum Power Rating: 2,242 bhp Fuel: Landfill gas	N/A	IC Engine #2 exhaust, E2

Collected LFG is piped to the lean-burn IC engine(s) powering an electrical generator that is connected to the commercial power grid. When the IC engine(s) are down for maintenance or when there is excess LFG, the gas is routed to the flare.

## 5.5 Emissions Inventory

Table 5.5 summarizes the emissions inventory (EI) for this Tier I facility, taken from the most recent permitting project, P-2009.0146, Project 61941, issued October 22, 2018. Refer to Statement of Basis for



the underlying PTC No. P-2009.0146 project 61941 for EI details (2018AAG1035[V4]). All values are expressed in units of tons-per-year and represent the facility's potential to emit. Potential to emit is defined as the maximum capacity of a facility or stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or source to emit an air pollutant, including air pollution control equipment and restrictions on hour of operation or on the type or amount of material combusted, stored or processed shall be treated as part of its design if the limitation or the effect it would have on emission is state or federally enforceable.

**Table 5.5 EMISSIONS INVENTORY - POTENTIAL TO EMIT (T/yr)**

Source Description	PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
	T/yr	T/yr	T/yr	T/yr	T/yr
Flare	0.81	5.93	2.52	2.95	0.82
IC Engine #1	1.07		21.16	46.75	11.48
IC Engine #2	1.07		21.16	46.75	11.48
<b>Total Emissions</b>	<b>2.95</b>	<b>5.93</b>	<b>44.84</b>	<b>96.45</b>	<b>23.78</b>

## 6. EMISSIONS LIMITS AND MRRR

This section contains the applicable requirements for this T1 facility.

This section is divided into the following subsections.

- Facility-Wide Conditions
- Landfill with flare applicable requirements with NMOC emission rate below 50 Mg/yr.
- Landfill with flare applicable requirements with NMOC emission rate equal to or greater than 50 Mg/yr.
- Flare
- IC Engines
- Tier I Operating Permit General Provisions

### ***MRRR***

Monitoring, recordkeeping and reporting requirements (MRRR) are the means with which compliance with an applicable requirement is demonstrated. In this section, the applicable requirement (permit condition) is provided first followed by the MRRR. Should an applicable requirement not include sufficient MRRR to satisfy IDAPA 58.01.01.322.06, 07, and 08, then the permit must establish adequate monitoring, recordkeeping and reporting sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit (i.e. gap filling). In addition to the specific MRRR provided for each applicable requirement, generally applicable facility-wide conditions and general provisions may also be provided, such as performance testing, reporting, and certification requirements.

The legal and factual basis for each permit condition is provided for in this document. If a permit condition was changed due to facility draft comments or public comments, an explanation of the changes is provided.

### ***State Enforceability***

An applicable requirement that is not required by the federal CAA and has not been approved by EPA as a SIP-approved requirement is identified as a "State-only" requirement and is enforceable only under state law. State-only requirements are not enforceable by the EPA or citizens under the CAA. State-only requirements are identified in the permit within the citation of the legal authority for the permit condition.

### ***Federal Enforceability***

Unless identified as "State-only," all applicable requirements, including MRRR, are state and federally enforceable. It should be noted that while a violation of a MRRR is a violation of the permit, it is not necessarily a violation of the underlying applicable requirement (e.g. emissions limit).

To minimize the length of this document, the following permit conditions and MRRR have been paraphrased. Refer to the permit for the complete requirements.

## **6.1 Facility-Wide Conditions**

### **Permit Condition 3.1 - Fugitive Dust**

All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651.

[IDAPA 58.01.01.650-651, 3/30/07]

### **MRRR (Permit Conditions 3.2 through 3.4)**

- Monitor and maintain records of the frequency and the methods used to control fugitive dust emissions;
- Maintain records of all fugitive dust complaints received and the corrective action taken in response to the complaint; and
- Conduct facility-wide inspections of all sources of fugitive emissions. If any of the sources of fugitive dust are not being reasonably controlled, corrective action is required.

[IDAPA 58.01.01.322.06, 07, 08, 4/5/2000]

### **Permit Condition 3.5 - Odors**

The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.

[IDAPA 58.01.01.775-776 (State-only), 5/1/94]

### **MRRR (Permit Condition 3.6)**

- Maintain records of all odor complaints received and the corrective action taken in response to the complaint; and
- Take appropriate corrective action if the complaint has merit, and log the date and corrective action taken.

[IDAPA 58.01.01.322.06, 07 (State only), 5/1/94]

### **Permit Condition 3.7 - Visible Emissions**

The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.

[IDAPA 58.01.01.625, 4/5/00]

### **MRRR (Permit Condition 3.8 through 3.9)**

- Conduct facility-wide inspections of all emissions units that are subject to the visible emissions standards (or rely on continuous opacity monitoring);
- If visible emissions are observed, take appropriate corrective action and/or perform a Method 9 opacity test; and
- Maintain records of the results of each visible emissions inspection.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

### **Permit Conditions 3.10 through 3.14 - Excess Emissions**

The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions. The provisions of IDAPA 58.01.01.130-136 shall govern in the event of conflicts between the excess emissions facility wide conditions and the regulations of IDAPA 58.01.01.130-136.

#### **MRRR (Permit Conditions 3.11 through 3.14)**

Monitoring, recordkeeping and reporting requirements for excess emissions are provided in Sections 131 through 136.

- Take appropriate action to correct, reduce, and minimize emissions from excess emissions events;
- Prohibit excess emissions during any DEQ Atmospheric Stagnation Advisory or Wood Stove Curtailment Advisory; and
- Notify DEQ of each excess emissions event as soon as possible, including information regarding upset, breakdown, or safety events.
- Submit a report for each excess emissions event to DEQ; and
- Maintain records of each excess emissions event.

[IDAPA 58.01.01.322.06, 5/1/94]

### **Permit Condition 3.15 - Open Burning**

The permittee shall comply with the *Rules for Control of Open Burning*, IDAPA 58.01.01.600-623.

[IDAPA 58.01.01.600-623, 5/08/09]

#### **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Condition 3.16 - Asbestos**

The permittee shall comply with all applicable requirements of 40 CFR 61, Subpart M—"National Emission Standard for Asbestos."

[40 CFR 61, Subpart M]

#### **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Condition 3.17 - Recycling and Emissions Reductions**

The permittee shall comply with applicable standards for recycling and emissions reduction of refrigerants and their substitutes pursuant to 40 CFR 82, Subpart F, Recycling and Emissions Reduction.

[40 CFR 82, Subpart F]

#### **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Condition 3.18 through 3.19- NSPS/NESHAP General Provisions**

This facility is subject to 40 CFR 60 Subparts WWW and JJJJ and 40 CFR 63 Subparts AAAA and ZZZZ and is therefore required to comply with applicable General Provisions of NSPS and NESHAP.

[40 CFR 60/63, Subpart A]

## **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Condition 3.20 - Monitoring and Recordkeeping**

The permittee shall maintain sufficient records to assure compliance with all of the terms and conditions of this operating permit. Records of monitoring information shall include, but not be limited to, the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.322.06, 07, 5/1/94]

## **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Conditions 3.21 through 3.24 - Performance Testing**

If performance testing is required, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by DEQ approval. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests such testing not be performed on weekends or state holidays.

All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any performance test, the permittee is encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of method to be used;
- Any extenuating or unusual circumstances regarding the proposed test; and
- The proposed schedule for conducting and reporting the test.

[IDAPA 58.01.01.157, 4/5/00; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/94]

### **MRRR (Permit Conditions 3.22 and 3.24)**

The permittee shall submit compliance test report(s) to DEQ following testing.

[IDAPA 58.01.01.157, 4/5/00; IDAPA 58.01.01.322.06, 08.a, 09, 5/1/94]

### **Permit Condition 3.25 - Reports and Certifications**

This permit condition establishes generally applicable MRRR for submittal of reports, certifications, and notifications to DEQ and/or EPA as specified.

[IDAPA 58.01.01.322.08, 11, 5/1/94]

## **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Condition 3.26 - Incorporation of Federal Requirements by Reference**

Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein.

[IDAPA 58.01.01.107, 4/7/11]

#### **MRRR**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

### **Permit Condition 3.27 - Municipal Solid Waste Landfills Mandatory Greenhouse Gas Reporting Requirement - 40 CFR 98 subpart HH and General Stationary Fuel Combustion Sources subpart C**

In accordance with 40 CFR 98.342, owners and operators of municipal solid waste landfills that accepted waste on or after January 1, 1980, and that meet the requirements of 40 CFR 98.2(a)(1) must report methane gas generation and emissions from landfills, methane destruction resulting from landfill gas collection and combustion systems, and emissions of carbon dioxide, methane, and nitrous oxide from stationary combustion units following the requirements of 40 CFR 98 subpart C (40 CFR 98.340-342).

Any notifications or reporting required by 40 CFR 98 subpart HH and subpart C shall be submitted to the following address:

EPA Region 10  
Director, Office of Air Quality  
1200 Sixth Avenue  
(OAQ-107)

via the e-GGRT website(last visited at <https://ghgreporting.epa.gov/ghg/login.do>)

#### **MRRR(Permit Condition 3.27)**

In each annual report, the permittee shall follow the applicable requirements of 40 CFR 98 Subpart A – General Provisions, Part 98 Mandatory Greenhouse Gas Reporting Subpart HH Municipal Solid Waste Landfills and Subpart C regarding General Stationary Fuel Combustion Sources.

### **Permit Condition 3.28**

This permit condition was from the original PTC and is in the current effective Tier I operating permit and was unintentionally missed in the recent PTC revision. Because this permit condition is consistent with the underlying PTC General Provisions 4.2, it is incorporated into the Tier I. The authority of underlying PTC No. P-2009.0146 project 61941 issued October 22, 2018, and the authority of IDAPA 58.01.01.321.01 are used for incorporating this requirement.

## **6.2 Landfill Applicable Requirements with NMOC Emission Rate Less Than 50 Mg/yr**

Fort Hall Mine Road Landfill has voluntarily installed a collection and control system and has obtained a permit to construct for the system and the related open flare and internal combustion engines with a generator. The installation of this voluntary collection and control system does not subject FHMRL to the full scope of regulations under 40 CFR 60 subpart WWW or make it a “controlled” landfill. While FHMRL has the option to comply with 40 CFR 60 subpart WWW requirements pertaining to regulated collection and control systems, FHMRL has not made that election. FHMRL has installed its system voluntarily and will be subject only to the 40 CFR 60 subpart WWW requirements pertaining to landfills with an NMOC emissions rate below 50 Mg/yr.

Until the regulatory requirements to install the capture, collection and treatment system is triggered, the only applicable regulatory requirements are to monitor the NMOC emissions and submit a totalized NMOC report to DEQ either annually or once every five years as set out in Permit Section 4. Table 4.2 summarizes the applicable requirements for the landfill when the NMOC emissions rate is less than 50

Mg/yr. Section 5 describes the applicable requirements for the landfill when the NMOC emissions rate is equal to or greater than 50 Mg/yr.

#### **Permit Condition 4.1**

In accordance with 40 CFR 60.752(b), when the landfill design capacity becomes equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the permittee shall either comply with 40 CFR 60.752(b)(2) or calculate an NMOC emission rate for the landfill using the procedures specified in 40 CFR 60.754.

[40 CFR 60.752(b)]

#### **MRRR - (Permit Condition 4.1)**

40 CFR 60.752(b) requires that once the landfill reaches a design capacity greater than 2.5 million megagrams, which occurred in 2011, and the NMOC emission rate is less than 50 megagrams, an annual NMOC emission rate is to be calculated. FHMRL has complied with this requirement by calculating an NMOC emission rate for the landfill using the procedures specified in 40 CFR 60.754.

#### **Permit Condition 4.2**

In accordance with 40 CFR 60.752(b)(1)(i), the permittee shall submit an annual emission report to DEQ, except as provided for in 40 CFR 60.757(b)(1)(ii).

[40 CFR 60.752(b)(1)(i)]

#### **MRRR – (Permit Condition 4.2)**

In addition to the annual emission report of the NMOC emission rate, there is a provision for estimating the emissions every year but reporting only once every five years if the NMOC emissions are projected to be less than 50 megagrams. There is also a provision for the facility to install collection and control equipment in accordance with 40 CFR 60.752(b)(2) if that option is chosen. FHMRL has installed and operates the collection and control system voluntarily and thus the landfill is not subject to 40 CFR 60.752.(b)(2) and is not a controlled landfill.

#### **Permit Condition 4.3**

In accordance with 40 CFR 60.752(b)(1)(ii), the NMOC emission rate shall be recalculated annually using the procedures specified in 40 CFR 60.754(a)(1) or (3) until such time as the calculated NMOC emission rate is equal to or greater than 50 Mg/yr, or the landfill is closed.

[40 CFR 60.752(b)(1)(ii)]

#### **MRRR - (Permit Condition 4.3)**

The facility's voluntary installation of a collection and control system does not make the landfill a controlled landfill. Thus until the landfill meets the requirement of having a NMOC emission rate that equal or exceeds 50 Mg/yr, FHMRL is not subject to the requirements of 40 CFR 60.752(b)(2). FHMRL is required to recalculate the NMOC emission rate annually and has done so accordingly.

#### **Permit Condition 4.4**

In accordance with 40 CFR 60.754(a)(1)(i), the permittee shall calculate the NMOC emission rate using the equation for the actual year to year solid waste if acceptance is known.

[40 CFR 60.754(a)(1)(i)]

#### **MRRR - (Permit Condition 4.4)**

This permit condition requires the facility to use the equation located in 40 CFR 60.754(a)(1)(i) to determine compliance with calculating the NMOC emission rate when the actual year to year solid waste acceptance is known. FHMRL has stated they indeed track the waste acceptance rate and have been using this equation in annual NMOC reports.

#### **Permit Condition 4.5**

In accordance with 40 CFR 60.754(a)(3), after installation of the collection system the permittee shall determine the NMOC concentration by the Tier 2 procedures.

[40 CFR 60.754(a)(3)]

#### **MRRR - (Permit Condition 4.5)**

FHMRL has submitted NMOC sampling reports using procedure Tier 2 for 2013 and 2018 and is currently required to do so every 5 years.

#### **Permit Condition 4.6**

In accordance with 40 CFR 60.754(a)(2), the permittee shall compare the calculated NMOC emission rate to the standard of 50 Mg/yr.

- (i) If the NMOC emission rate calculated under 40 CFR 60.754(a)(1) is less than 50 Mg/yr, then the permittee shall submit an emission rate report as provided in 40 CFR 60.757(b)(1), and shall recalculate the NMOC emission rate annually as required under 40 CFR 60.752(b)(1).
- (ii) If the calculated NMOC emission rate is equal to or greater than 50 Mg/yr, then the permittee shall either comply with 40 CFR 60.752(b)(2), or determine a site specific NMOC concentration and recalculate the NMOC emission rate using the procedure provided in 40 CFR 60.754(a)(3).

[40 CFR 60.754(a)(2),(2)(i) and (2)(ii)]

#### **MRRR - (Permit Condition 4.6)**

FHMRL has complied with this permit condition by routinely submitting an annual NMOC emissions report below 50 Mg/yr. The most recent submitted NMOC emissions report is from 2017 and estimates an NMOC generation rate of 3.15 Mg/year.

#### **Permit Condition 4.7**

In accordance with 40 CFR 60.754(a)(4), the site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of appendix A of this part. The permittee shall estimate the NMOC mass emission rate using equations in 40 CFR 60.754(a)(1)(i) or (a)(1)(ii) and using a site-specific methane generation rate constant  $k$ , and the site-specific NMOC concentration as determined in 40 CFR 60.754(a)(3) instead of the default values provided in 40 CFR 60.754(a)(1). The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of 50 Mg/yr.

- (i) If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than 50 Mg/yr, the owner or operator shall comply with §60.752(b)(2).
- (ii) If the NMOC mass emission rate is less than 50 Mg/yr, then the permittee shall submit a periodic emission rate report as provided in §60.757(b)(1) and shall recalculate the NMOC mass emission rate annually, as provided in §60.757(b)(1) using the equations in 40 CFR 60.754(a)(1) and using the site-specific methane generation rate constant and NMOC concentration obtained in 40 CFR 60.754(a)(3). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

[40 CFR 60.754(a)(4),(4)(i) and (4)(ii)]

#### **MRRR - (Permit Condition 4.7)**

This permit condition details the method to be used by FHMRL if and when a site specific methane generation rate was to be used instead of default values.

#### **Permit Condition 4.8**

In accordance with 40 CFR 60.758(a), except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of 40 CFR 60.752(b) shall keep for at least 5 years

up-to-date, readily accessible, on-site records of the design capacity report which triggered 40 CFR 60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[40 CFR 60.758(a)]

**MRRR - (Permit Condition 4.8)**

No specific monitoring is required for this facility-wide condition. As with all permit conditions, the permittee must certify compliance with this condition annually, which includes making a reasonable inquiry to determine if this requirement was met during the reporting period.

**Permit Condition 4.9**

In accordance with 40 CFR 60.758(d), except as provided in §60.752(b)(2)(i)(B), each owner or operator subject to the provisions of this subpart shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

- (1) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under §60.755(b).
- (2) Each owner or operator subject to the provisions of this subpart shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or non-degradable waste excluded from collection as provided in §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in §60.759(a)(3)(ii).

[40 CFR 60.758(d)]

**MRRR - (Permit Condition 4.9)**

This permit condition requires for the life of the collection system up-to-date data regarding the plot map of each existing and planned collector in the system, and provide unique identification location label for each collector. FHMRL has stated it would voluntarily comply with 40 CFR 60.758(d). When FHMRL reaches the 50 Mg/yr threshold for NMOC emission rate and the landfill becomes a controlled landfill and must meet the requirements of becoming a controlled landfill this requirement will provide a federally enforceable documentation to assist in fulfilling the regulations of 40 CFR 60.752(b)(2).

**Permit Condition 4.10**

In accordance with 40 CFR 60.757(b), each owner or operator subject to the requirements of this subpart shall submit an NMOC emission rate report to the DEQ initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this permit condition. DEQ may request such additional information as necessary to verify the reported NMOC emission rate.

- (1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 40 CFR 60.754(a) or (b), as applicable.
  - (i) The initial NMOC emission rate report may be combined with the initial design capacity report required in this permit and shall be submitted no later than indicated in paragraphs (1)(i)(A) and (B) of this permit condition. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and (b)(3).

(A) June 10, 1996, for landfills that commenced construction, modification, or reconstruction on or after May 30, 1991, but before March 12, 1996, or



(B) Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commenced construction, modification, or reconstruction on or after March 12, 1996.

- (ii) If the estimated NMOC emission rate as reported in the annual report to the DEQ is less than 50 Mg/yr in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the DEQ. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the DEQ. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.
- (2) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.
- (3) Each owner or operator subject to the requirements of Subpart WWW is exempted from the requirements of paragraphs (1) and (2) of this permit condition, after the installation of a collection and control system in compliance with 40 CFR 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR 60.753 and 60.755.

[40 CFR 60.757(b)]

#### **MRRR - (Permit Condition 4.10)**

FHMRL submitted an original design capacity report on October 8, 1993. An amended Design Capacity Report, the first with respect to 40 CFR 60.752 was submitted by FHMRL April 21, 2010. Additionally, FHMRL samples NMOC concentrations per procedure Tier 2 every 5 years submitting NMOC concentration sampling reports in 2013 and 2018. FHMRL also submits NMOC emissions reports annually.

#### **Permit Condition 4.11**

In accordance with IDAPA 58.01.01.860.07, all owners or operators of landfills subject to Section 860 that have non-methane organic compound emission rates less than fifty (50) Mg/yr on or after November 19, 1999 shall install collection and control systems within thirty (30) months after the date the first annual non-methane organic compound emission rate equals or exceeds fifty (50) Mg/yr as specified in 40 CFR Section 60.36c(b).

[IDAPA 58.01.01.860, 4/5/00]

#### **MRRR - (Permit Condition 4.11)**

This permit condition requires the installation of a collection and control system upon reaching the threshold of 50 Mg/year. FHMRL has stated they will comply with the procedures of 40 CFR 60.752(b)(2) when the landfill equals or exceed the threshold of NMOC emission rate of 50 Mg/yr

### **6.3 Landfill Applicable Requirements when NMOC Emissions Rate is greater than or equal to 50 Mg/yr**

#### **Permit Condition 5.1**

In accordance with 40 CFR 60.752(b)(1) and 40 CFR 60.754(a), if at any point the Permittee calculates the NMOC emission rate to be equal to or greater than 50 Mg/yr the Permittee shall comply with 40 CFR

60.752(b)(2) and any and all requirements within 40 CFR 60 subpart WWW applicable to facility's with an NMOC emission rate equal to or greater than 50 Mg/yr.

[40 CFR 60.752(b)]

**MRRR - (Permit Condition 5.1)**

FHMRL has submitted Tier 2 NMOC concentration sampling reports in 2013 and 2018 as well as subsequent annual NMOC emission calculations demonstrating NMOC emission rates are significantly below the 50 Mg/yr threshold (most recently for 2017 at 3.15 Mg/yr). This permit condition includes a high level citation should in the unlikely event the facility calculates they will cross 50 Mg/yr NMOC emission rate threshold before this permit expires and new requirements from 40 CFR 60 Subpart WWW will apply. A high level citation has been applied to streamline the current permit.

**Permit Condition 5.2**

As established under permit condition 5.2, if at any point the Permittee calculates the NMOC emission rate to be equal to or greater than 50 Mg/yr the Permittee shall submit to DEQ an application to modify this permit in accordance with IDAPA 58.01.01.380-399 within 1 year from the date in which calculation of the NMOC emission rate is equal to or greater than 50 Mg/yr.

[IDAPA 58.01.01.380-399]

**MRRR - (Permit Condition 5.2)**

This permit condition has been included in the in the unlikely event the Permittee calculates they will cross 50 Mg/yr NMOC emission rate threshold before this permit expires. This permit condition requires FHRML to apply to update this permit in that event so newly applicable requirements from 40 CFR 60 Subpart WWW can be incorporated.

**6.4 Flare**

**Permit Condition 6.2**

In accordance with 40 CFR 60.752(b)(2)(iii)(A), when the landfill is operating at a NMOC emission rate equal to or exceeding the 50 Mg/yr limit as determined by 40 CFR 60.754, an open flare shall be designed and operated in accordance with 40 CFR 60.18 except as noted in 40 CFR 60.754(e).

[40 CFR 60.752(b)(2)(iii)(A)]

**MRRR - (Permit Condition 6.2)**

This permit condition is to make FHMRL aware after the facility begins operating an active collection system the visible emissions of the flare will be subject to 40 CFR 60.18.

**Permit Condition 6.3**

In accordance with 40 CFR 60.756(c) each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(iii) using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment

- (1) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.
- (2) A device that records flow to or bypass of the flare. The owner or operator shall either:
  - (i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
  - (ii) Secure the bypass valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure the valve is maintained in the closed position and that the gas flow is not diverted through by the bypass line.

[40 CFR 60.756(c)]

### **MRRR - (Permit Condition 6.3)**

This permit condition establishes the installation, calibration, maintenance, and operating conditions of the flare monitoring equipment if and when FHMRL must comply 40 CFR 60.752(b)(2)(iii).

### **Permit Condition 6.4**

In accordance with 40 CFR 60.758(c), except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill subject to the provisions of 40 CFR 60, Subpart WWW shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

- (1) Not applicable, this regulation is for enclosed combustors, this facility has an open flare not an enclosed combustor.
- (2) Each owner or operator subject to the provisions of Subpart WWW shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR 60.756.
- (3) Not applicable, this regulation is for a boiler or process heater, this facility does not have either a boiler or a process heater
- (4) Each owner or operator seeking to comply with the provisions of Subpart WWW by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 40 CFR 60.756(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

[40 CFR 60.758(c)]

### **MRRR - (Permit Condition 6.4)**

This permit condition establishes the type of records and the duration of these records regarding operation of conditions that FHMRL shall maintain if and when FHMRL must comply 40 CFR 60.752(b)(2)(iii).

## **6.5 IC Engines**

### **Permit Condition 7.2**

In accordance with 40 CFR 60.4233(e) and Table 1 of 40 CFR 60 Subpart JJJJ, the permittee shall comply with the following emission standards for IC engines firing on landfill/digester gas (except lean burn  $500 \leq \text{BHP} \leq 1,350$ ):

**Table 6.1 40 CFR 60, Subpart JJJJ, Table 1 Summary**

Engine Type and Fuel	Maximum Engine Horsepower (bhp)	Manufacture Date	Emission Standards <sup>(a)</sup>					
			g/bhp-hr			ppmvd at 15% O <sub>2</sub>		
			NO <sub>x</sub>	CO	VOC <sup>(b)</sup>	NO <sub>x</sub>	CO	VOC <sup>(b)</sup>
Landfill/Digester Gas Fired (except lean burn $500 \leq \text{BHP} \leq 1,350$ )	BHP $\geq 500$	7/1/2010	2.0	5.0	1.0	150	610	80

- a) Owners and operators of stationary non-certified spark ignited IC engines may choose to comply with the emissions standards in units of either g/bhp-hr or ppmvd at 15% O<sub>2</sub>.
- b) For the purposes of Subpart JJJJ, when calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.

[PTC No. P-2009.0146, 10/22/2018; 40 CFR 60.4233(e)]

### **MRRR – (Permit Condition 7.2)**

The requirements from 40 CFR 60.4233(e) were incorporated as a permit condition as they are applicable federal requirements. Compliance with this permit condition is currently determined through periodic

performance testing of IC Engine #1 and will be required for IC Engine #2 upon its installation and start up.

### **Permit Condition 7.3**

Emissions from the IC engine stacks, or any other stack, vent, or functionally equivalent opening associated with the IC engine, shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.625. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

[IDAPA 58.01.01.625]

### **MRRR – (Permit Condition 7.3)**

The opacity standard from IDAPA 58.01.01.625 was incorporated as a permit condition. No monitoring was required because the engine is not expected to have visible emissions which exceed the standard. The facility-wide condition within Section 3.7 to 3.9 of the permit still applies.

### **Permit Condition 7.4**

In accordance with 40 CFR 60.4243(b), the permittee must demonstrate compliance according to one of the methods specified in (a) or (b) as follows:

- (a) Purchasing an engine certified according to procedures specified in Subpart JJJJ, for the same model year and demonstrating compliance according to one of the methods specified in (i) or (ii):
  - (i) If the owner or operator operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, the owner or operator must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if permittee is an owner or operator.
  - (ii) If the owner or operator do not operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, the engine will be considered a non-certified engine, and the owner or operator must demonstrate compliance as follows:
    - If permittee is an owner or operator of a stationary SI internal combustion engine greater than 500 HP, the permittee must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the permittee must conduct an initial performance test within 1 year of engine startup and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.
- (b) Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in the engine emission limits section of this permit and according to the requirements specified in the engine testing requirements section of this permit, as applicable, and must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the permittee must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

[40 CFR 60.4243(b)]

### **MRRR - (Permit Condition 7.4)**

The requirements from 40 CFR 60.4244 were incorporated as a permit condition as they are applicable federal requirements. Both installed IC Engines are non-certified and over 500 HP rating. Therefore, compliance is currently shown through performance testing outlined under 40 CFR 60.4243(b)(2)(ii).

### Permit Condition 7.5

In accordance with 40 CFR 60.4243(g), it is expected that air-to-fuel ratio controllers will be used with the operation of three-way catalysts/non-selective catalytic reduction. The AFR controller must be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times.

[40 CFR 60.4243(g)]

### MRRR - (Permit Condition 7.6)

The requirements from 40 CFR 60.4243(g) were incorporated as a permit condition as they are applicable federal requirements. However, both IC Engines do not include three-way catalysts/non-selective catalytic reduction so this permit condition is not applicable at this time.

### Permit Condition 7.6

In accordance with 40 CFR 60.4244, owners and operators of stationary SI ICE who conduct performance tests must follow the procedures specified in this permit condition.

- (a) Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in 40 CFR 60.8 and under the specific conditions that are specified by Table 7.5 in this permit.

**Table 6.2 Requirements for Performance Tests**

For each	Complying with the requirement to	You must	Using	According to the following requirements
1. Stationary SI internal combustion engine demonstrating compliance according to §60.4244.	a. limit the concentration of NO <sub>x</sub> in the stationary SI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A or ASTM Method D6522–00(2005)a.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A or ASTM Method D6522–00(2005)a.	(b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for NO <sub>x</sub> concentration.
		iii. Determine the exhaust flowrate of the stationary internal combustion engine exhaust;	(3) Method 2 or 19 of 40 CFR part 60.	
		iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(4) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03 (incorporated by reference, see §60.17).	(c) Measurements to determine moisture must be made at the same time as the measurement for NO <sub>x</sub> concentration.
		v. Measure NO <sub>x</sub> at the exhaust of the stationary internal combustion engine.	(5) Method 7E of 40 CFR part 60, appendix A, Method D6522–00(2005)a, Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03 (incorporated by reference, see §60.17)..	(d) Results of this test consist of the average of the three 1-hour or longer runs.
	b. limit the concentration of CO in the stationary SI	i. Select the sampling port location and the number of	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) If using a control device, the sampling site must be

For each	Complying with the requirement to	You must	Using	According to the following requirements
	internal combustion engine exhaust.	traverse points;		located at the outlet of the control device.
		ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3Bb of 40 CFR part 60, appendix A or ASTM Method D6522–00(2005)a.	(b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for CO concentration.
		iii. Determine the exhaust flowrate of the stationary internal combustion engine exhaust;	(3) Method 2 or 19 of 40 CFR part 60.	
		iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(4) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03 (incorporated by reference, see §60.17)..	(c) Measurements to determine moisture must be made at the same time as the measurement for CO concentration.
		v. Measure CO at the exhaust of the stationary internal combustion engine.	(5) Method 10 of 40 CFR part 60, appendix A, ASTM Method D6522–00(2005)a, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see §60.17).	(d) Results of this test consist of the average of the three 1-hour or longer runs.
	c. limit the concentration of VOC in the stationary SI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O <sub>2</sub> concentration of the stationary internal combustion engine exhaust at the sampling port location;	(2) Method 3, 3A, or 3Bb of 40 CFR part 60, appendix A or ASTM Method D6522–00(2005)a.	(b) Measurements to determine O <sub>2</sub> concentration must be made at the same time as the measurements for VOC concentration.
		iii. Determine the exhaust flowrate of the stationary internal combustion engine exhaust;	(3) Method 2 or 19 of 40 CFR part 60.	
		iv. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(4) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03 (incorporated by reference, see §60.17).	(c) Measurements to determine moisture must be made at the same time as the measurement for VOC concentration.
		v. Measure VOC at the exhaust of the stationary internal combustion engine.	(5) Methods 25A and 18 of 40 CFR part 60, appendix A, Method 25A with the use of a methane cutter as described in 40 CFR 1065.265, Method 18 or 40 CFR part 60, appendix A, <sup>c,d</sup> Method 320 of 40 CFR part 63, appendix A, or ASTM D6348–03 (incorporated by reference, see §60.17).	(d) Results of this test consist of the average of the three 1-hour or longer runs.

- a. ASTM D6522-00 is incorporated by reference; see 40 CFR 60.17. Also, the permittee may petition the Administrator for approval to use alternative methods for portable analyzer.
- b. The permittee may use ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses, for measuring the O<sub>2</sub> content of the exhaust gas as an alternative to EPA Method 3B.
- c. The permittee may use EPA Method 18 of 40 CFR part 60, appendix A, provided that you conduct an adequate pre-survey test prior to the emissions test, such as the one described in OTM 11 on EPA's Web site (<http://www.epa.gov/ttn/emc/prelim/otm11.pdf>).
- d. The permittee may use ASTM D6420-99 (2004), Test Method for Determination of Gaseous Organic Compounds by Direct Interface Gas Chromatography/Mass Spectrometry as an alternative to EPA Method 18 for measuring total non-methane organic.

- (b) The owner or operator may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in 40 CFR 60.8(c). If your stationary SI internal combustion engine is non-operational, the owner or operator does not need to start up the engine solely to conduct a performance test; however, the owner or operator must conduct the performance test within 180 days upon startup of the engine.
- (c) The owner or operator must conduct three separate test runs for each performance test required in this section, as specified in §60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.
- (d) To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 1 of this permit condition:

$$ER = (C_d \times 1.912 \times 10^{-3} \times Q \times T) \div \text{HP-hr} \quad (\text{Eq. 1})$$

Where:

ER = Emission rate of NOX in g/HP-hr

C<sub>d</sub> = Measured NOX concentration in parts per million by volume (ppmv)

1.912×10<sup>-3</sup> = Conversion constant for ppm NOX to grams per standard cubic meter at 20 degrees Celsius

Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis

T = Time of test run, in hours

HP-hr = Brake work of the engine, horsepower-hour (HP-hr)

- (e) To determine compliance with the CO mass per unit output emission limitation, convert the concentration of CO in the engine exhaust using Equation 2 of this permit condition:

$$ER = (C_d \times 1.164 \times 10^{-3} \times Q \times T) \div \text{HP-hr} \quad (\text{Eq. 2})$$

Where:

ER = Emission rate of CO in g/HP-hr

C<sub>d</sub> = Measured CO concentration in ppmv

1.164×10<sup>-3</sup> = Conversion constant for ppm CO to grams per standard cubic meter at 20 degrees Celsius

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis

T = Time of test run, in hours

HP-hr = Brake work of the engine, in HP-hr

- (f) For purposes of Subpart JJJJ, when calculating emissions of VOC, emissions of formaldehyde should not be included. To determine compliance with the VOC mass per unit output emission limitation, convert the concentration of VOC in the engine exhaust using Equation 3 of this permit condition:

$$ER = (C_d \times 1.833 \times 10^{-3} \times Q \times T) \div \text{HP-hr} \quad (\text{Eq. 3})$$

Where:

ER = Emission rate of VOC in g/HP-hr

Cd = VOC concentration measured as propane in ppmv

$1.833 \times 10^{-3}$  = Conversion constant for ppm VOC measured as propane, to grams per standard cubic meter at 20 degrees Celsius

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis

T = Time of test run, in hours

HP-hr = Brake work of the engine, in HP-hr

- (g) If the owner/operator chooses to measure VOC emissions using either Method 18 of 40 CFR part 60, appendix A, or Method 320 of 40 CFR part 63, appendix A, then the owner or operator has the option of correcting the measured VOC emissions to account for the potential differences in measured values between these methods and Method 25A. The results from Method 18 and Method 320 can be corrected for response factor differences using Equations 4 and 5 of this permit condition. The corrected VOC concentration can then be placed on a propane basis using Equation 6 of this permit condition.

$$RF_i = CM_i \div CA_i \text{ (Eq. 4)}$$

Where:

RF<sub>i</sub> = Response factor of compound i when measured with EPA Method 25A

CM<sub>i</sub> = Measured concentration of compound i in ppmv as carbon

CA<sub>i</sub> = True concentration of compound i in ppmv as carbon

$$C_{i\text{corr}} = RF_i \times C_{i\text{meas}} \text{ (Eq. 5)}$$

Where:

C<sub>i<sub>corr</sub></sub> = Concentration of compound i corrected to the value that would have been measured by EPA Method 25A, ppmv as carbon

RF<sub>i</sub> = Response factor of compound i when measured with EPA Method 25A

C<sub>i<sub>meas</sub></sub> = Concentration of compound i measured by EPA Method 320, ppmv as carbon

$$C_{\text{Peq}} = 0.6098 \times C_{i\text{corr}} \text{ (Eq. 6)}$$

Where:

C<sub>Peq</sub> = Concentration of compound i in mg of propane equivalent per DSCM.

C<sub>i<sub>corr</sub></sub> = Concentration of compound i corrected to the value that would have been measured by EPA Method 25A, ppmv as carbon.

[40 CFR 60.4244]

#### **MRRR – (Permit Condition 7.6)**

The requirements from 40 CFR 60.4244 were incorporated as a permit condition as they are applicable federal requirements. The Permittee currently conducts periodic performance testing on IC Engine #1 and will be required to do so on IC Engine #2 upon installation and startup.

#### **Permit Condition 7.7**

In accordance with 40 CFR 60.4245(a), owners and operators of all stationary SI ICE must keep records of the information in paragraphs (1) through (4) of this permit condition.



- (1) All notifications submitted to comply with Subpart JJJJ and all documentation supporting any notification.
- (2) Maintenance conducted on the engine.
- (3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable.
- (4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

[40 CFR 60.4245(a)]

#### **MRRR – (Permit Condition 7.7)**

The requirements from 40 CFR 60.4245(a) were incorporated as a permit condition as they are applicable federal requirements. Neither IC Engine is a certified engine therefore requirements (1), (2) and (4) from above are applicable.

#### **Permit Condition 7.8**

In accordance with 40 CFR 60.4245(c), owners and operators of stationary SI ICE greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in 40 CFR 60.4231 must submit an initial notification as required in 40 CFR 60.7(a)(1). The notification must include the information in paragraphs (1) through (5) of this permit condition.

- (1) Name and address of the owner or operator;
- (2) The address of the affected source;
- (3) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
- (4) Emission control equipment; and
- (5) Fuel used.

[40 CFR 60.4245(c)]

#### **MRRR – (Permit Condition 7.8)**

FHRML has submitted the required initial notification information for IC Engine #1 but will be required to do so for IC Engine #2 as required in 40 CFR 60.7(a)(1).

#### **Permit Condition 7.9**

In accordance with 40 CFR 60.4245(d), owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in the performance testing requirement section of this permit within 60 days after the test has been completed.

[40 CFR 60.4245(d)]

#### **MRRR – (Permit Condition 7.9)**

FHRML has submitted regular, periodic performance test reports for IC Engine #1 and will be required to do so for IC Engine #2 in accordance with 40 CFR 60.4245(d).

#### **Permit Condition 7.10**

Any notifications or reporting required by 40 CFR 60, Subparts JJJJ, WWW, and 40 CFR 63, Subpart AAAA shall be submitted to both of the following addresses:

EPA Region 10  
Director, Office of Air Quality  
1200 Sixth Avenue  
(OAQ-107)  
Seattle, WA 98101

And,

All information:  
Air Quality Permit Compliance  
Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way No. 300  
Pocatello, ID 83201  
(208) 236-6160

Performance test related information only:  
Air Quality Source Test Review  
Department of Environmental Quality  
State Office  
1410 N. Hilton St.  
Boise, ID 83706  
(208) 373-0502

[40 CFR 60 Subpart JJJJ, Subpart WWW, and 40 CFR 63 Subpart AAAA]

### **MRRR – (Permit Condition 7.10)**

This specifies the addresses to send necessary information as described in permit condition.

## **6.6 General Provisions**

Unless expressly stated, there are no MRRR for the general provisions.

### **General Compliance, Duty to Comply**

The permittee must comply with the terms and conditions of the permit.

[IDAPA 58.01.01.322.15.a, 5/1/94; 40 CFR 70.6(a)(6)(i)]

### **General Compliance, Need to Halt or Reduce Activity Not a Defense**

The permittee cannot use the fact that it would have been necessary to halt or reduce an activity as a defense in an enforcement action.

[IDAPA 58.01.01.322.15.b, 5/1/94; 40 CFR 70.6(a)(6)(ii)]

### **General Compliance, Duty to Supplement or Correct Application**

The permittee must promptly submit such supplementary facts or corrected information upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application. The permittee must also provide information as necessary to address any new requirements that become applicable after the date a complete application has been filed but prior to the release of a draft permit.

[IDAPA 58.01.01.315.01, 5/1/94; 40 CFR 70.5(b)]

### **Reopening, Additional Requirements, Material Mistakes, Etc.**

This term lists the instances when the permit must be reopened and revised, including times when additional requirements become applicable, when the permit contains mistakes, or when revision or revocation is necessary to assure compliance with applicable requirements.

[IDAPA 58.01.01.322.15.c, 5/1/94; IDAPA 58.01.01.386, 3/19/99; 40 CFR 70.7(f)(1), (2); 40 CFR 70.6(a)(6)(iii)]

### **Reopening, Permitting Actions**

This term discusses modification, revocation, reopening, and/or reissuance of the permit for cause. If the permittee files a request to modify, revoke, reissue, or terminate the permit, the request does not stay any permit condition, nor does notification of planned changes or anticipated noncompliance.

[IDAPA 58.01.01.322.15.d, 5/1/94; 40 CFR 70.6(a)(6)(iii)]

## **Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

[IDAPA 58.01.01.322.15.e, 5/1/94; 40 CFR 70.6(a)(6)(iv)]

## **Information Requests**

The permittee must furnish, within a reasonable time to DEQ, any information, including records required by the permit, that is requested in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.

[Idaho Code §39-108; IDAPA 58.01.01.122, 4/5/00; IDAPA 58.01.01.322.15.f, 4/5/00; 40 CFR 70.6(a)(6)(v)]

## **Information Requests, Confidential Business Information**

Upon request, the permittee must furnish to DEQ copies of records required to be kept by this permit. For information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality in accordance with Idaho Code §9-342A and applicable implementing regulations including IDAPA 58.01.01.128.

[IDAPA 58.01.01.322.15.g, 5/1/94; IDAPA 58.01.01.128, 4/5/00; 40 CFR 70.6(a)(6)(v)]

## **Severability**

If any provision of the permit is held to be invalid, all unaffected provisions of the permit will remain in effect and enforceable.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

## **Changes Requiring Permit Revision or Notice**

The permittee may not commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining all necessary permits to construct or an approval under IDAPA 58.01.01.213, or complying with IDAPA 58.01.01.220 through 223. The permittee must comply with IDAPA 58.01.01.380 through 386 as applicable.

[IDAPA 58.01.01.200-223, 4/2/08; IDAPA 58.01.01.322.15.i, 3/19/99; IDAPA 58.01.01.380-386, 7/1/02; 40 CFR 70.4(b)(12), (14), (15), and 70.7(d), (e)]

Changes that are not addressed or prohibited by the Tier I operating permit require a Tier I operating permit revision if such changes are subject to any requirement under Title IV of the CAA, 42 U.S.C. Section 7651 through 7651c, or are modifications under Title I of the CAA, 42 U.S.C. Section 7401 through 7515. Administrative amendments (IDAPA 58.01.01.381), minor permit modifications (IDAPA 58.01.01.383), and significant permit modifications (IDAPA 58.01.01.382) require a revision to the Tier I operating permit. IDAPA 58.01.01.502(b)(10) changes are authorized in accordance with IDAPA 58.01.01.384. Off permit changes and required notice are authorized in accordance with IDAPA 58.01.01.385.

[IDAPA 58.01.01.381-385, 7/1/02; IDAPA 58.01.01.209.05, 4/11/06; 40 CFR 70.4(b)(14) and (15)]

## **Federal and State Enforceability**

All permit conditions are federally enforceable unless specified in the permit as a state or local only requirement. State and local only requirements are not required under the CAA and are not enforceable by EPA or by citizens.

[IDAPA 58.01.01.322.15.j, 5/1/94; IDAPA 58.01.01.322.15.k, 3/23/98; Idaho Code §39-108; 40 CFR 70.6(b)(1), (2)]

## **Inspection and Entry**

Upon presentation of credentials, the facility shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee's premises where a Tier I source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;

- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.

[Idaho Code §39-108; IDAPA 58.01.01.322.15.l, 5/1/94; 40 CFR 70.6(c)(2)]

### **New Applicable Requirements**

The permittee must continue to comply with all applicable requirements and must comply with new requirements on a timely basis.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.10.a.ii, 5/1/94; 40 CFR 70.6(c)(3) citing 70.5(c)(8)]

### **Fees**

The owner or operator of a Tier I source shall pay annual registration fees to DEQ in accordance with IDAPA 58.01.01.387 through IDAPA 58.01.01.397.

[IDAPA 58.01.01.387, 4/2/03; 40 CFR 70.6(a)(7)]

### **Certification**

All documents submitted to DEQ shall be certified in accordance with IDAPA 58.01.01.123 and comply with IDAPA 58.01.01.124.

[IDAPA 58.01.01.322.15.o, 5/1/94; 40 CFR 70.6(a)(3)(iii)(A); 40 CFR 70.5(d)]

### **Renewal**

The permittee shall submit an application to DEQ for a renewal of this permit at least six months before, but no earlier than 18 months before, the expiration date of this operating permit. To ensure that the term of the operating permit does not expire before the permit is renewed, the owner or operator is encouraged to submit a renewal application nine months prior to the date of expiration.

[IDAPA 58.01.01.313.03, 4/5/00; 40 CFR 70.5(a)(1)(iii)]

If a timely and complete application for a Tier I operating permit renewal is submitted, but DEQ fails to issue or deny the renewal permit before the end of the term of this permit, then all the terms and conditions of this permit including any permit shield that may have been granted pursuant to IDAPA 58.01.01.325 shall remain in effect until the renewal permit has been issued or denied.

[IDAPA 58.01.01.322.15.p, 5/1/94; 40 CFR 70.7(b)]

### **Permit Shield**

Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

- Such applicable requirements are included and are specifically identified in the Tier I operating permit; or
  - DEQ has determined that other requirements specifically identified are not applicable and all of the criteria set forth in IDAPA 58.01.01.325.01(b) have been met.
- The permit shield shall apply to permit revisions made in accordance with IDAPA 58.01.01.381.04 (administrative amendments incorporating the terms of a permit to construct), IDAPA 58.01.01.382.04 (significant modifications), and IDAPA 58.01.01.384.03 (trading under an emissions cap).
- Nothing in this permit shall alter or affect the following:
  - Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers;

- The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651(g)(a); and
- The ability of EPA to obtain information from a source pursuant to Section 114 of the CAA; or the ability of DEQ to obtain information from a source pursuant to Idaho Code §39-108 and IDAPA 58.01.01.122.

[Idaho Code §39-108 and 112; IDAPA 58.01.01.122, 4/5/00;  
IDAPA 58.01.01.322.15.m, 325.01, 5/1/94; IDAPA 58.01.01.325.02, 3/19/99;  
IDAPA 58.01.01.381.04, 382.04, 383.05, 384.03, 385.03, 3/19/99; 40 CFR 70.6(f)]

### **Compliance Schedule and Progress Reports**

- For each applicable requirement for which the source is not in compliance, the permittee shall comply with the compliance schedule incorporated in this permit.
- For each applicable requirement that will become effective during the term of this permit and that provides a detailed compliance schedule, the permittee shall comply with such requirements in accordance with the detailed schedule.
- For each applicable requirement that will become effective during the term of this permit that does not contain a more detailed schedule, the permittee shall meet such requirements on a timely basis.
- For each applicable requirement with which the permittee is in compliance, the permittee shall continue to comply with such requirements.

[IDAPA 58.01.01.322.10, 4/5/00; IDAPA 58.01.01.314.9, 5/1/94; IDAPA 58.01.01.314.10, 4/5/00;  
40 CFR 70.6(c)(3) and (4)]

### **Periodic Compliance Certification**

The permittee shall submit compliance certifications during the term of the permit for each emissions unit to DEQ and the EPA as specified.

- Compliance certifications for all emissions units shall be submitted annually unless otherwise specified; and
- All original compliance certifications shall be submitted to DEQ and a copy of all compliance certifications shall be submitted to the EPA.

[IDAPA 58.01.01.322.11, 4/6/05; 40 CFR 70.6(c)(5)(iii) as amended,  
62 Fed. Reg. 54900, 54946 (10/22/97); 40 CFR 70.6(c)(5)(iv)]

### **False Statements**

The permittee may not make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/98]

### **No Tampering**

The permittee may not render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/98]

### **Semiannual Monitoring Reports.**

In addition to all applicable reporting requirements identified in this permit, the permittee shall submit reports of any required monitoring at least every six months as specified.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.322.08.c, 4/5/00; 40 CFR 70.6(a)(3)(iii)]

## **Reporting Deviations and Excess Emissions**

Each and every applicable requirement, including MRRR, is subject to prompt deviation reporting. Deviations due to excess emissions must be reported in accordance Sections 130-136. All instances of deviation from Tier I operating permit requirements must be included in the deviation reports. The reports must describe the probable cause of the deviation and any corrective action or preventative measures taken. Deviation reports must be submitted at least every six months unless the permit specifies a different time period as required by IDAPA 58.01.01.322.08.c. Examples of deviations include, but are not limited to, the following:

- Any situation in which an emissions unit fails to meet a permit term or condition.
- Emission control device does not meet a required operating condition.
- Observations or collected data that demonstrate noncompliance with an emissions standard.
- Failure to comply with a permit term that requires a report.

[IDAPA 58.01.01.322.15.q, 3/23/98; IDAPA 58.01.01.135, 4/11/06; 40 CFR 70.6(a)(3)(iii)]

## **Permit Revision Not Required, Emissions Trading**

No permit revision will be required, under any approved, economic incentives, marketable permits, emissions trading, and other similar programs or processes, for changes that are provided for in the permit.

[IDAPA 58.01.01.322.05.b, 4/5/00; 40 CFR 70.6(a)(8)]

## **Emergency**

In accordance with IDAPA 58.01.01.332, an “emergency” as defined in IDAPA 58.01.01.008, constitutes an affirmative defense to an action brought for noncompliance with such technology-based emissions limitation if the conditions of IDAPA 58.01.01.332.02 are met.

[IDAPA 58.01.01.332.01, 4/5/00; 40 CFR 70.6(g)]

## **7. REGULATORY REVIEW**

### **7.1 Attainment Designation (40 CFR 81.313)**

The facility is located in Bannock County, which is designated as attainment or unclassifiable for PM<sub>2.5</sub>, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>2</sub>, CO, and Ozone. Refer to 40 CFR 81.313 for additional information.

### **7.2 Title V Classification (IDAPA 58.01.01.300, 40 CFR Part 70)**

This facility is a landfill subject to the requirements of NSPS WWW. Therefore, this facility is required to obtain a Title V permit, as specified in IDAPA 58.01.01.859.04.

However, the facility will not be considered a Major Facility as defined under IDAPA 58.01.01.008.10 until the installation and startup of IC Engine #2.

### **7.3 PSD Classification (40 CFR 52.21)**

The facility is not classified as an existing major stationary source, because the estimated emissions of PM<sub>10</sub>/PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>, and CO do not have the potential to exceed major stationary source thresholds and the facility is not a designated facility as defined in 40 CFR 52.21(b)(1)(i)(a). The facility is not a major source for CO<sub>2</sub>e because it is an existing source that has not exceeded the GHG major source threshold of 100,000 tons per year, nor has it made a change that would increase GHG emissions by 75,000 tons per year.

#### 7.4 NSPS Applicability (40 CFR 60)

Because the facility is a landfill with a spark ignited IC engines, the following NSPS requirements apply to this facility:

- 40 CFR 60, Subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
- 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills
- 40 CFR 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

##### **40 CFR 60, Subpart Cc - Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills**

This section applies and consists primarily of instructions to the state for writing rules for MSW landfills.

##### **40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills**

Fort Hall Mine Road Landfill commenced modification after the applicability date of May 30, 1991 with the commencement of construction of Cell 4 in 2007. Therefore, per 40 CFR 60.750, this Subpart WWW applies to the facility.

See Appendix D of the permit application for a complete breakdown of applicable 40 CFR 60 Subpart WWW regulations (2018AAG136).

##### **40 CFR 60, Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines**

IC Engine #1 commenced construction after the applicability date of June 12, 2006 and was manufactured after July 1, 2007 while also having a maximum engine power rating greater than or equal to 500 HP. Therefore, per 40 CFR 60.4230, Subpart JJJJ applies to IC Engine #1.

IC Engine #2 has yet to commence construction at the time of permit issuance but by default will commence construction and manufacture after the appropriate applicability dates while also having a maximum engine power rating greater than or equal to 500 HP. Therefore, per 40 CFR 60.4230, Subpart JJJJ applies to IC Engine #2 upon its installation and startup.

See Appendix D of the permit application for a complete breakdown of applicable 40 CFR 60 Subpart JJJJ regulations (2018AAG136).

#### 7.5 NESHAP Applicability (40 CFR 61)

The project is not subject to any NESHAP requirements in 40 CFR 61.

#### 7.6 MACT Applicability (40 CFR 63)

Because the facility has a municipal solid waste landfill with spark ignited IC engines, the following NESHAP (MACT) requirements apply (or have conditional applicability) to this facility:

- 40 CFR 63, Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
- 40 CFR 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

##### **40 CFR 63, Subpart AAAA - National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills**

Fort Hall Mine Road Landfill accepted waste after the applicability date of November 8, 1987 and will be designated as a HAPs major source as defined in 40 CFR 63.2 (emissions of formaldehyde are greater than 10 tons per year) upon the installation and startup of IC Engine #2. Therefore, per 40 CFR 63.1935, upon the installation and startup of IC Engine #2, Subpart AAAA will apply to the facility. However, per

40 CFR 60.1955 the only applicable subparts of Subpart AAAA are to comply with the requirements of 40 CFR 60, subpart WWW, which FHRML currently does.

See Appendix D of the permit application for a complete breakdown of applicable 40 CFR 63 Subpart AAAA regulations (2018AAG136).

#### **40 CFR 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines**

IC Engine #1 commenced construction after the *new stationary RICE* applicability date of December 19, 2002 while also having a maximum engine power rating greater than or equal to 500 HP. Therefore, per 40 CFR 63.6585 and 63.6590, Subpart ZZZZ applies to IC Engine #1. However, currently per 40 CFR 63.6590(c)(1) IC Engine #1 meets the requirements of Subpart ZZZZ by meeting the requirements of 40 CFR 60 Subpart JJJJ and no further demonstration of compliance with Subpart ZZZZ requirements is needed. However, upon installation and startup of IC Engine #2 the facility will become a Major Source for HAPs and additional and differing requirements for Subpart ZZZZ will need to be complied with.

IC Engine #2 has yet to commence construction at time of permit issuance but by default will have commenced construction after the *new stationary RICE* applicability date of December 19, 2002 while also having a maximum engine power rating greater than or equal to 500 HP. Therefore, per 40 CFR 63.6585 and 63.6590, this Subpart ZZZZ applies to IC Engine #2 upon its installation and startup.

See Appendix D of the permit application for a complete breakdown of applicable 40 CFR 63 Subpart ZZZZ regulations (2018AAG136).

#### **7.7 CAM Applicability (40 CFR 64)**

CAM requirements are not applicable to this facility as the facility does not meet the applicability criteria in 40 CFR 64.2.

#### **7.8 Acid Rain Permit (40 CFR 72-75)**

The Fort Hall Mine Road Landfill facility is not an affected source subject to the Acid Rain Permit program in 40 CFR 72-75.

### **8. PUBLIC COMMENT**

As required by IDAPA 58.01.01.364, a public comment period was made available to the public from April 16 to May 16, 2019. During this time, comments were not submitted in response to DEQ's proposed action.

### **9. EPA REVIEW OF PROPOSED PERMIT**

As required by IDAPA 58.01.01.366, DEQ provided the proposed permit to EPA Region 10 for its review and comment on May 21, 2019, via the online the Electronic Permit System (EPS). On May 21, 2019, EPA Region 10 responded to DEQ via e-mail indicating that EPA had not reviewed the proposed permit, but had no objection to its issuance.



## **Appendix A - Facility Comments on Draft Permit**

The facility provided comments on April 2, 2019. The comments are related to typos in the documents. They have been corrected.